

AN ORDINANCE 2006-05-18-0594

AUTHORIZING SETTLEMENT OF A LAWSUIT STYLED *DELFINA DELGADO, ET AL, V. CITY OF SAN ANTONIO*, CAUSE NO. 2004-CI-07968, 45TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TX.

* * * * *

WHEREAS, On January 7, 2004, Delfina Delgado hit another car during her attempt to avoid a Christmas tree, which Plaintiff claims fell out of a City garbage truck; and

WHEREAS, Plaintiff, Delfina Delgado, suffered injuries and has accumulated a total of \$78,800.00 in medical bills; and

WHEREAS, Plaintiffs agreed to settle for \$100,000.00, subject to City Council approval, and this settlement was discussed with City Council during executive session on May 18, 2006;
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Payment in the amount of \$100,000.00 is hereby authorized to be made in full and final settlement of the case, styled *Delfina Delgado, et. al. v. City of San Antonio*, Cause No. 2004-CI-07968, in the 45th Judicial District, Bexar County, Texas.

SECTION 2. Payment in the amount of \$100,000.00 is hereby authorized from Fund 75-001000, Insurance Reserve Fund, GL 5402530, entitled General Liability Claims, Cost Center 1009020001, and made payable to Plaintiffs Delfina Delgado, Daniel Delgado, Sr., and attorney, Stephen P. Carrigan. Payment shall be made to such persons and under such circumstances as may be directed by the City Attorney to effect the aforementioned settlement.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director, may subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance shall be effective on the tenth day after passage.

PASSED AND APPROVED on this 18th day of May, 2006.


M A Y O R

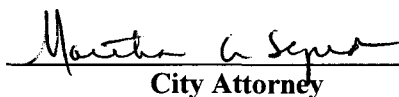
PHIL HARDBERGER

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

Agenda Item 28

**CITY OF SAN ANTONIO
OFFICE OF THE CITY ATTORNEY
CITY COUNCIL AGENDA MEMORANDUM**

TO: Sheryl Sculley, City Manager

FROM: Michael D. Bernard, City Attorney

SUBJECT: Settlement in *Delfina Delgado, et. al. v. City of San Antonio*.

DATE: May 18, 2006

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes settlement in the lawsuit styled *Delfina Delgado, et. al. v. City of San Antonio*, Cause No. 2004-CI-07968, in the 45th Judicial District, Bexar County, Texas, in the amount of \$100,000.00. Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

On January 7, 2004, Delfina Delgado hit another car during her attempt to avoid a Christmas tree, which Plaintiff claims fell out of a City garbage truck. Plaintiff, Delfina Delgado, suffered injuries and has accumulated a total of \$78,800.00 in medical bills.

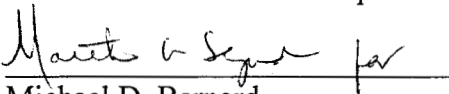
On May 24, 2004, Plaintiffs filed suit with an initial demand of \$230,000.00 during mediation. Plaintiffs agreed to settle for \$100,000.00, subject to City Council approval. This settlement will be discussed with City Council during executive session on May 18, 2006.

FISCAL IMPACT

If approved, \$100,000.00 will be paid by the City to Plaintiffs Delfina Delgado, Daniel Delgado, Sr., and attorney, Stephen P. Carrigan, from the City's Liability Self Insurance Fund.

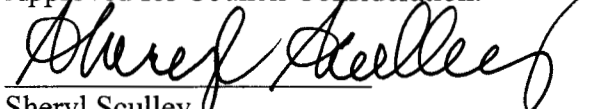
COORDINATION

This item was coordinated with the Office of Management and Budget, Finance Department, Environmental Services Department, and Risk Management.



Michael D. Bernard
City Attorney

Approved for Council Consideration:



Sheryl Sculley
City Manager

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO		<div style="text-align: center; font-weight: bold; margin-bottom: 10px;">Request For Ordinance/Resolution</div> <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p>Approval</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Finance Elizabeth Drouillard</td> <td style="width: 50%; padding: 5px;">Budget Peter Zanoni</td> </tr> <tr> <td style="padding: 5px;">Legal Mark Kosanovich</td> <td style="padding: 5px;">Coordinator</td> </tr> </table> </div> <div style="width: 50%;"> <p>Consent <input checked="" type="checkbox"/> Individual <input type="checkbox"/></p> <p>Item No. 28</p> <p>Ord. No.</p> </div> </div>		Finance Elizabeth Drouillard	Budget Peter Zanoni	Legal Mark Kosanovich	Coordinator
Finance Elizabeth Drouillard	Budget Peter Zanoni								
Legal Mark Kosanovich	Coordinator								
Date: 5/09/06		Department: City Attorney's Office		Contact Person/Phone #: Mitsuko Ramos x78949					
Date Council Consideration Requested: 5/18/06		Deadline for Action: 5/18/06		Dept. Head Signature <i>Michael D. Bernard for M.B.</i>					
SUMMARY OF ORDINANCE									
<p>An Ordinance approving a \$100,000.00 settlement agreement in the lawsuit styled <i>Delfina Delgado, et. al. v. City of San Antonio</i>, Cause No. 2004-CI-07968, in the 45th Judicial District, Bexar County, Texas. [Presented by Michael D. Bernard, City Attorney; Sheryl Sculley, City Manager]</p> <p style="text-align: center;">Council Memorandum Must be Attached To Original</p>									
Other Depts., Boards, Committees Involved (please specify): Finance, Environmental Svc, Risk Mgmt, and Office of Management & Budget									
Contract signed by other party? Release Agreement already signed by Plaintiffs. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>									
FISCAL DATA (If Applicable)									
Amount Expended				<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p>Funds/Staffing Budgeted Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Positions Currently Authorized Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Impact on future O & M</p> <p>If positions added, specify Class and Job No.</p> </div> <div style="width: 60%;"></div> </div>					
<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Fund</td> <td style="width: 20%;">75-001000</td> <td style="width: 30%;">SAP GL Account</td> <td style="width: 20%;">5402530</td> </tr> </table>						Fund	75-001000	SAP GL Account	5402530
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*Cost Center 1009020001									
<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">*Internal Order No.</td> <td style="width: 70%;">*WBS (Capital Proj.)</td> </tr> </table>				*Internal Order No.	*WBS (Capital Proj.)				
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*(Fill out only the field that is appropriate to your council action.)									
Comments:				Please submit 3 copies with your original					